

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE DESIGNER SECTION OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE
ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
	:	
WILLIAM JOSEPH BERGH,	:	CaseLS0904211DSN
RESPONDENT.	:	

Division of Enforcement Case # 06 DSN 001

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

William Joseph Bergh
4255 North Prairie View Road, Suite 2
Chippewa Falls, Wisconsin 54729

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Designer Section
Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Designer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. The Section has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. William Joseph Bergh, (DOB 9/19/1969) holds a permit as a designer of engineering systems in the subfield of private sewage systems in the state of Wisconsin (license # 1577-07). This permit was first granted on June 13, 2000, and is current through January 31, 2010. It was expired for the period from February 1, 2008, through October 8, 2008.
2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is Suite 2, 4255 North Prairie View Road, Chippewa Falls, Wisconsin 54729.
3. From the issuance of Respondent's permit in the year 2000 until fall 2006, Respondent submitted at least 12 general plumbing plans bearing his seal to the Safety and Buildings Division of the Wisconsin Department of Commerce. The plans in question included the design of water piping systems in conjunction with design of campground private sewage systems.
4. Respondent's permit restricts his design practice to private sanitary systems.
5. During the period in 2008 when his permit was expired, Respondent worked on a minimum of 75 private sewage system designs.

CONCLUSIONS OF LAW

1. The Section has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.13 and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).

2. Wis. Stat. § 443.07 (5) provides that a permit to design engineering systems shall on its face restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience in designing.
3. Wis. Administrative Code § A-E 8.09 (1) requires a designer to comply with the requirements of chapter 443, Stats., rules in chapter A-E 8, and all other federal state and local codes relating to the practice of designing.
4. By submitting general plumbing plans bearing his seal to the Wisconsin Department of Commerce, Respondent practiced outside the scope of his designer permit in the subfield of private sewage systems and engaged in the unauthorized practice of general plumbing design.
5. By designing 75 or more private sewage systems during the period when his designer permit was expired, Respondent engaged in the unauthorized practice of private sewage system design.
6. By engaging in the unauthorized practice of general plumbing design and in the unauthorized practice of private sewage design, Respondent has violated Wis. Administrative Code § A-E 8.09 (1).
7. Wis. Administrative Code § A-E 8.03 (3) states that misconduct in the practice of designing includes violation of federal or state laws, local ordinances or administrative rules relating to the practice of designing.
8. By violating Wis. Administrative Code § A-E 8.09 (1), Respondent has engaged in misconduct in practice.
9. Wis. Stat. § 443.13 provides that the Section may limit, suspend or revoke a permit or reprimand the permittee if it finds the permittee guilty of misconduct in practice.
10. Because Respondent has engaged in misconduct in practice, Respondent is subject to discipline under Wis. Stat. § 443.13.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The permit authorizing William Joseph Bergh to practice the design of private sewage systems in the state of Wisconsin is hereby SUSPENDED for a period of thirty (30) days. The suspension shall begin one hundred twenty (120) days after the effective date of this Order.
2. Respondent shall, within one hundred eighty (180) days from the date of this order, pay the costs of this proceeding in the amount of EIGHT HUNDRED dollars (\$800.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
FAX (608) 266-2264

3. **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to submit timely any payment of the costs as ordered, Respondent's license (#1577-07) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.**
4. This Order is effective on the date of its signing

By: Scott B. Berg
A Member of the Section

4/21/09
Date

STATE OF WISCONSIN

BEFORE THE DESIGNER SECTION OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS

IN THE MATTER OF	:	
THE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
WILLIAM JOSEPH BERGH,	:	Case LS 09 _____ DSN
RESPONDENT.	:	

Division of Enforcement Case #06 DSN 001

It is hereby stipulated between William Joseph Bergh, personally, and Claudia Berry Miran, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (case # 06 DSN 001). Respondent consents to resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including:
 - The right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence.
 - The right to confront and cross examine the witnesses against him.
 - The right to call witnesses on his behalf and to compel their attendance by subpoena.
 - The right to testify himself.
 - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision.
 - The right to petition for rehearing.
 - All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
3. Respondent has been provided with an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Designer Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to the Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the

Stipulation. Additionally, any such advisor may vote on whether the Section should accept the Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
8. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order

William Joseph Bergh
License #1577-07
4255 North Prairie View Road, Suite 2
Chippewa Falls, Wisconsin 54729

Date

Claudia Berry Miran, Attorney
State Bar # 1015184
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P. O. Box 8935
Madison, WI 53708-8935

Date

STATE OF WISCONSIN

BEFORE THE ARCHITECTS SECTION OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF	:	
THE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
MARTIN PATRICK CHOREN,	:	Case LS 09 _____ ARC
RESPONDENT.	:	

Division of Enforcement Case #06 ARC 003

It is hereby stipulated between Martin Patrick Choren and Claudia Berry Miran, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

9. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (case # 06 ARC 003). Respondent consents to resolution of this investigation by stipulation and without the issuance of a formal complaint.
10. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including:
 - The right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence.
 - The right to confront and cross examine the witnesses against him.
 - The right to call witnesses on his behalf and to compel their attendance by subpoena.
 - The right to testify himself.
 - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision.
 - The right to petition for rehearing.
 - All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
11. Respondent has been provided with an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
12. Respondent agrees to the adoption of the attached Final Decision and Order by the Architects Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveys (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.
13. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by consideration of this attempted resolution.
14. The parties to the Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the

Stipulation. Additionally, any such advisor may vote on whether the Section should accept the Stipulation and issue the attached Final Decision and Order.

15. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
16. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order

Martin Patrick Choren, Respondent
12721 North Maplecrest Land
Mequon, WI 53092
License # 4667-05

Date

Claudia Berry Miran, Attorney
State Bar # 1015184
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P. O. Box 8935
Madison, WI 53708-8935

Date